UNITED STATES PATENT AND TRADEMARK OFFICE

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ROBERT RYAN MORISHITA
MORISHITA LAW FIRM, LLC
8960 WEST TROPICANA AVENUE
SUITE 300
LAS VEGAS, NV 89147

EXAMINER
HE, JIALONG

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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE <u>3</u> MONTH(S) OR THIRTY (30) DAYS,
WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.
- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed
  after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
  Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any
  earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on <u>24 December 2005</u>.

2a)☐ This action is FINAL.   2b)☒ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is
closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) <u>18-133</u> is/are pending in the application.

     4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) <u>18-133</u> is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on <u>24 December 2006</u> is/are: a)☒ accepted or b)☐ objected to by the Examiner.

     Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

     Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

     a)☐ All b)☐ Some * c)☒ None of:

        1.☐ Certified copies of the priority documents have been received.

        2.☐ Certified copies of the priority documents have been received in Application No. _____.

        3.☐ Copies of the certified copies of the priority documents have been received in this National Stage
           application from the International Bureau (PCT Rule 17.2(a)).

     * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1)☒ Notice of References Cited (PTO-892)

2)☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)

3)☒ Information Disclosure Statement(s) (PTO/SB/08)
     Paper No(s)/Mail Date <u>02/27/2006</u>.

4)☐ Interview Summary (PTO-413)
     Paper No(s)/Mail. Date. _____.

5)☐ Notice of Informal Patent Application

6)☐ Other: _____.

DETAILED ACTION

Information Disclosure Statement

1.   The information disclosure statement (IDS) submitted on 02/27/2006 is in compliance with the provisions of 37 CFR 1.97. Accordingly, the information disclosure statement is being considered by the examiner.

Priority

1.   Receipt is acknowledged of a certified copy of the PR3295 application referred to in the oath or declaration or in an application data sheet. If this copy is being filed to obtain the benefits of the foreign filing date under 35 U.S.C. 119(a)-(d), applicant should also file a claim for such priority as required by 35 U.S.C. 119(b). If the application being examined is an original application filed under 35 U.S.C. 111(a) (other than a design application) on or after November 29, 2000, the claim for priority must be presented during the pendency of the application, and within the later of four months from the actual filing date of the application or sixteen months from the filing date of the prior foreign application. See 37 CFR 1.55(a)(1)(i). If the application being examined has entered the national stage from an international application filed on or after November 29, 2000, after compliance with 35 U.S.C. 371, the claim for priority must be made during the pendency of the application and within the time limit set forth in the PCT and Regulations of the PCT. See 37 CFR 1.55(a)(1)(ii). Any claim for priority under 35 U.S.C. 119(a)-(d) or (f) or 365(a) or (b) not presented within the time period

set forth in 37 CFR 1.55(a)(1) is considered to have been waived. If a claim for foreign

priority is presented after the time period set forth in 37 CFR 1.55(a)(1), the claim may

be accepted if the claim properly identifies the prior foreign application and is

accompanied by a grantable petition to accept an unintentionally delayed claim for

priority. See 37 CFR 1.55(c).

Claim Objections

1.   Claims 18, 126 and 130 are objected to because of the following informalities:

Claims 18, 126 and 130 do not have a transitional phrase.

Appropriate correction is required.

Claim Rejections - 35 USC § 101

2.   35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of
matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the
conditions and requirements of this title.

3.   Claims 18-129 are rejected under 35 U.S.C. 101 the claimed inventions are

directed to non-statutory subject matter.

Claims 18-129 recites "**a translation information segment** associated with an

electronic communication". There is no explicit definition for the term "**a translation**

information segment" in the specification and the term is not well known in the

pertinent art. The examiner interprets the term "**a translation information segment**" as

a data structure.

MPEP states "Data structures not claimed as embodied in computer-readable

media are descriptive material per se and are not statutory because they are not

capable of causing functional change in the computer. See, e.g., Warmerdam, 33 F.3d

at 1361, 31 USPQ2d at 1760 (claim to a data structure per se held nonstatutory). Such

claimed data structures do not define any structural and functional interrelationships

between the data structure and other claimed aspects of the invention which permit the

data structure's functionality to be realized. In contrast, a claimed computer-readable

medium encoded with a data structure defines structural and functional

interrelationships between the data structure and the computer software and hardware

components which permit the data structure's functionality to be realized, and is thus

statutory (MPEP 2106.01).

Claim Rejections - 35 USC § 112

2.   The following is a quotation of the second paragraph of 35 U.S.C. 112:

> The specification shall conclude with one or more claims particularly pointing out and distinctly
> claiming the subject matter which the applicant regards as his invention.

3.   Claims 21-23, 126 are rejected under 35 U.S.C. 112, second paragraph, as

being indefinite for failing to particularly point out and distinctly claim the subject matter

which applicant regards as the invention.

Regarding claims 21-23 and 26, the phrase **"such as"** renders the claim

indefinite because it is unclear whether the limitations following the phrase are part of

the claimed invention. See MPEP § 2173.05(d).

4.   Claim 133 recites the limitation **"the translation manager"** in line 6. There is

insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 102

4.   The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that

form the basis for the rejections under this section made in this Office action:

> A person shall be entitled to a patent unless –
>
> (e) the invention was described in (1) an application for patent, published under section 122(b), by
> another filed in the United States before the invention by the applicant for patent or (2) a patent
> granted on an application for patent by another filed in the United States before the invention by the
> applicant for patent, except that an international application filed under the treaty defined in section
> 351(a) shall have the effects for purposes of this subsection of an application filed in the United States
> only if the international application designated the United States and was published under Article 21(2)
> of such treaty in the English language.

5.   Claims 18-126 and 128-132 are rejected under 35 U.S.C. 102(e) as being

anticipated by Menke (US PGPub, 2002/0123878, hereinafter referred to as Menke).

Regarding claim 18, Menke discloses a translation information segment ()

associated with an electronic communication (**[0029], One XSLT stylesheet** (a

translation information segment) **is typically used for each language pairing, a**

source web page to be translated (an electronic communication)):

said translation information segment including global parameters for effecting a translation of said electronic communication or a part or parts thereof from a source language to one or more target languages (**[0032], includes insertion of specific parameters, tags, and/or elements, the versatility of the present invention allows for the re-use of the generic style sheet** (global parameters), **[0034], the textual portion of the source page is to be translated to a target language**); and

said translation information segment being identified and actioned by an application reading the electronic communication to extract the translation parameters to obtain the translation of the electronic communication from said source language to said one or more target languages (**[0011], the method includes the steps of associating a predefined parameter with content in a source web page to be translated**).

Regarding claim 19, which depends on claim 18, Menke further discloses the translation information segment is embedded in the electronic communication or attached to the electronic communication (**[0029], XSLT stylesheet** (translation information segment)**, the style sheet can be embedded in a web page or attached with the web page** (electronic communication)**).

Regarding claim 20, which depends on claim 18, Menke further discloses the translation information segment is stored in an accessible database and a pointer or pointers are either embedded or attached to the translatable electronic communication

([0031], a stylesheet, which may be stored in memory or server (stored in an accessible database**), may be applied to the document to be translated in order to determine the appropriate translation of the terms and/or phrases in the document**).

Regarding claim 21, which depends on claim 18, Menke further discloses the global parameters are selected from parameters including: source language, encoding, tense, available translation, translation engine, dictionary, glossary, context, translation service, rules for processing tags, rules for processing components within the electronic communication such as pictures, graphics, sound, animation video, software, programmable routines, rules for performing translation, location of existing translations, location of existing localized components of said electronic communication such as pictures, graphics, sound, animation, video, software, programmable routines; individual translator, and translation memory (**[0031], the determination of the appropriate translation generally includes indexing into a dictionary** (dictionary, glossary) **file to find a match for terms to bee translated**).

Claims 22 and 23 are similar to claim 21, therefore, claims 22 and 23 are rejected based on the same rationale (**see analysis for claim 21**).

Regarding claim 24, which depends on claim 18, Menke further discloses two or more parameters of the TIS act cooperatively to translate a part or parts of said

electronic communication (**[0042], Once the target language and dictionary parameters have been determined** (two or more parameters), **[0012], the predetermined parameters indicating that an associated portion of text is to be translated**).

Claims 25-29 are similar to claim 24, therefore, claims 22-29 are rejected based on the same rationale (**see analysis for claim 24**).

Regarding claim 30, which depends on claim 18, Menke further discloses the application actioning the translation information segment includes a web browser for web pages, or an email program for email, or a word processor for text documents (**[0038], the input instruction may correspond to an instruction generated by a web browser**).

Claims 31-41 are similar to claim 30, therefore, claims 31-41 are rejected based on the same rationale (**see analysis for claim 30**).

Regarding claim 42, which depends on claim 18, Menke further discloses the application actioning the translation information segment is a purpose specific application that detects and actions the translation information segment (**[0026], Internet or web application** (a purpose specific application), **[0012], applying a**

dictionary driven generic stylesheet to the electronic document in order to
retrieve the translation of the associated portion of text).

Claims 43-53 are similar to claim 42, therefore, claims 43-53 are rejected based
on the same rationale (**see analysis for claim 42**).

Regarding claim 54, which depends on claim 18, Menke further discloses there
are two or more translation information segments associated with said electronic
communication (**[0029], one XSLT stylesheet is typically used for each language
pair, [0036], Alternatively, if the source page is of a relatively standardized format,
then a generic style sheet may be used to translate the source page** (two or more
translation information segments)).

Claims 55-89 are similar to claim 54, therefore, claims 55-89 are rejected based
on the same rationale (**see analysis for claim 54**).

Regarding claim 90, which depends on claim 54, Menke further discloses each
translation information segment includes parameters for translation of a portion of the
electronic communication associated with the translation information segment (**[0012],
the predetermined parameter indicating that an associated portion of text is to be
translated, [0038], the stylesheet determines what textual portions of the source
page are to be translated**).

Claims 91-125 are similar to claim 90, therefore, claims 91-125 are rejected based on the same rationale (**see analysis for claim 90**).

Regarding claim 126, Menke discloses a translation information segment associated with an electronic communication, said translation information segment being identified and actioned by an application reading the electronic communication (**[0029], One XSLT stylesheet** (a translation information segment) **is typically used for each language pairing, a source web page to be translated** (an electronic communication)) and comprising at least one of:

a pointer to a translation of the electronic communication; a pointer to location of existing translations, a pointer to location of existing localized components of said electronic communication such as pictures, graphics, sound, animation, video, software, programmable routines; a pointer to rules for performing the translation; a pointer to rules for processing components within the electronic communication such as pictures, graphics, sound, animation, video, software, programmable routines; a pointer to a translation engine for translating the electronic communication; a pointer to dictionaries, glossaries, or terminology databases; or a pointer to a human translator skilled in translating the electronic communication (**[0031], indexing into a dictionary file** (a pointer to dictionaries, glossaries, or terminology databases) **to find a match for terms to be translated**).

Regarding claim 128, which depends on claim 126, Menke further discloses the

translation information segment includes a list of translation parameters or a pointer to a

file containing a list of translation parameters (**[0032], includes insertion of specific**

parameters, tags, and/or elements, a generic XSLT stylesheet corresponding to

the source page is created).

Regarding claim 129, which depends on claim 128, Menke further discloses the

translation parameters are readable by a translation engine or a human

translator to improve the quality of translation (**[0034], this step includes accordance**

with the parameters set forth in the generic stylesheet through the use of the

selected/created dictionary (readable by a translation engine)).

Regarding claim 130, Menke discloses a method of providing a translated

communication to a recipient of a foreign language communication (**title**) including the

steps of:

associating a translation information segment with the foreign language

communication (**[0029], One XSLT stylesheet** (a translation information segment),);

transmitting the foreign language communication and translation information

segment to a receiver (**[0028], when the content of a web page must be translated**

into another language, often termed a target language (foreign language

communication)**);

parsing the foreign language communication to identify and analyze the

translation information segment (**[0029], a simple XSLT is used to translate text in a

web page**); and

obtaining a translation of the foreign language communication according to

parameters in the translation information segment (**[0011], the method includes the

steps of associating a predefined parameter with content in a source web page to

be translated**).

Regarding claim 131, which depends on claim 130, Menke further discloses a

translation is requested from a browser, and the translation information segment

information is extracted from the communication and forwarded to a translation

manager along with a translation request (**[0038] the input instruction may

correspond to an instruction generated by a web browser** (requested from a

browser)**, [0029], the transformation to each individual target language requires a

separate stylesheet in order to execute the transformation**).

Regarding claim 132, which depends on claim 130, Menke further discloses

when a browser receives a communication to display, it first checks the translation

information segment to ensure the language is correct before displaying, and if said

language is not correct then the browser requests a translation from a translation

manager (**[0040], the appropriate target language is determined, the target**

language may be received from the web browser in accordance with the preferred

language of the user stored in the browser preferences file).

Claim Rejections - 35 USC § 103

6.   The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all

obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

7.   Claims 127 and 133 are rejected under 35 U.S.C. 103(a) as being unpatentable

over Menke in view of Lakritz (US Pat. 6,526,426).

        Regarding claim 127, which depends on claim 126, Menke discloses all

limitations of claim 26. Menke discloses a web page is internationalized (translated) on

the client computer based on user's preferred language settings (**Menke, [0040]**).

Menke does not explicitly disclose the pointer to a translation of the electronic

communication is a universal resource locator and a list of pointers point to different

language translations.

        Lakritz discloses pointer to a translation of the electronic communication is a

universal resource locator and a list of pointers point to different language translations

(**Lakritz, col. 18, lines 1-25, also fig. 12, #1210-#1215**).

Menke and Lakritz are analogous art and from a similar field of applicant's endeavor in displaying web pages in a user's preferred language with machine translation. Therefore, it would have been obvious to a person having ordinary skill in the art at the time the invention was made to modify Menke's teaching with Lakritz's teaching to provide links (pointers) to translated version of the web page in different languages. One having ordinary skill in the art would have been motivated to make such a modification because both client and server are general computers and can translate pages to a user preferred language. Storing translated pages on the server and providing proper links to translated pages reduces some requirements (such as browser type, memory size) for client computers.

Regarding claim 133, which depends on claim 130, Menke discloses all limitations of claim 130. Menke discloses obtaining a users preferred language and comparing it to the translation information segment, and if it does not match, then translating web pages. Menke does not disclose the translation is done on the web server. Lakritz discloses providing translated contents based on user's preferred language (**Lakritz, col. 18, lines 1-25, also fig. 12, #1210-#1215**).

Menke and Lakritz are analogous art and from a similar field of applicant's endeavor in displaying web pages in a user's preferred language with machine translation. Therefore, it would have been obvious to a person having ordinary skill in

the art at the time the invention was made to modify Menke's teaching with Lakritz's

teaching to provide links (pointers) to translated version of the web page in different

languages. One having ordinary skill in the art would have been motivated to make such

a modification because both client and server are general computers and can translate

pages to a user preferred language. Storing translated pages on the server and

providing proper links to translated pages reduces some requirements (such as browser

type, memory size) for client computers.

Conclusion

8.   The prior art made of record and not relied upon is considered pertinent to

applicant's disclosure.

          * Tokieda, Hidemasa et al. (US 20020193983 A1) - method for offering

multilingual information translated in many languages through a communication

network.

          * Parasnis, Shashank Mohan et al. (US 20010044809 A1) - process of

localizing objects in markup language documents.

          * Murata; Toshiki et al. (US 5987402 A) - system and method for efficiently

retrieving and translating source documents in different languages, and other displaying

the translated documents at a client device.

          * Moser; Leo et al. (US 6275789 B1) - method and apparatus for

performing full bidirectional translation between a source language and a linked

alternative language.

       * Flanagan; Mary A. et al. (US 6993471 B1) - integrated multilingual browser.

       * Clark; Jonathan P. (US 6345243 B1) - system, method, and product for dynamically propagating translations in a translation-memory system.

       * Christy, Samuel T. (US 20020173946 A1) - translation and communication of a digital message using a pivot language.

       * Bourbonnais; Jean et al. (US 6338033 B1) - system and method for network-based teletranslation from one natural language to another.

       Any inquiry concerning this communication or earlier communications from the examiner should be directed to JIALONG HE whose telephone number is (571)270-5359. The examiner can normally be reached on Monday-Thursday, 7:00 - 4:30, Alt Friday, EST.

       If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Patrick Edouard can be reached on (571) 272-7603. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the
Patent Application Information Retrieval (PAIR) system. Status information for
published applications may be obtained from either Private PAIR or Public PAIR.
Status information for unpublished applications is available through Private PAIR only.
For more information about the PAIR system, see http://pair-direct.uspto.gov. Should
you have questions on access to the Private PAIR system, contact the Electronic
Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a
USPTO Customer Service Representative or access to the automated information
system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/JH/

/Patrick N. Edouard/
Supervisory Patent Examiner, Art Unit 2626